

EXHIBIT M

From: Daniel McFadden <DmcFadden@aclum.org>
Sent: Thursday, August 18, 2022 10:14 AM
To: FOIA@nro.mil
Subject: RE: NRO FOIA Request F-2022-00174

Thank you for this correspondence, and for granting the fee waiver.

We do not necessarily agree with your office's conclusion regarding Request 3. However, as you propose, we will sit tight for the moment on Request 3, understanding that it might become moot if no records are located in response to Requests 1 & 2. We understand from your email that, if we wait for your office's final response to the FOIA request as a whole, your office will not contend that we have waived any rights to seek administrative or judicial review (which, in all events, we reserve the right to do at any time as we deem appropriate).

We appreciate that your office is responding to Requests 1 & 2 as soon as you can, and we hope to receive a response to those portions of the FOIA request as soon as possible.

Best regards,
Dan McFadden

Dan McFadden
Pronouns: he, him, his

Staff Attorney
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From: FOIA@nro.mil <FOIA@nro.mil>
Sent: Thursday, August 18, 2022 7:13 AM
To: Daniel McFadden <DmcFadden@aclum.org>
Cc: FOIA@nro.mil
Subject: NRO FOIA Request F-2022-00174

Dear Mr. McFadden,

We received your recent FOIA request dated 16 August 2022 for: "ACLUM requests that the National Reconnaissance Office ("NRO") produce the following records:

1. The Alleged Declassification Standing Order.
2. Any written transmittal of the Alleged Declassification Standing Order from the Executive Office of the President of the United States to the NRO, including by letter, memoranda, or email.
3. All records created by the NRO that were declassified pursuant to the Alleged Declassification Standing Order.

For requests 1 & 2, please provide all responsive records from January 20, 2017, through January 20, 2021.

For request 3, please provide all responsive records declassified from January 20, 2017, through January 20, 2021."

We have assigned tracking number F-2022-00174 to your request. We will limit our search to NRO-originated records.

Parts 1 and 2 have been accepted for processing. Part 3 of your request is being denied because we can only search for existing records which have been requested with sufficient specificity (as to their type, origin, relationship to NRO functions, etc.) to conduct an organized non-random search of our records systems. Based on the information you have provided, and in the context of the NRO's mission and organizational functions, we are unable to conduct an organized, non-random search for records relevant to the subject of your request; therefore, we can take no further action on part 3 of your request.

Since we may be unable to provide a response within the 20 working days stipulated by the Act, you have the right to consider this a denial and may appeal on this basis to the NRO Appellate Authority, 14675 Lee Road, Chantilly, VA 20151-1715 after the initial 20 working day period has elapsed; doing so, however, would exhaust your administrative appeal rights. To preserve these rights, we recommend that you allow us sufficient time to continue processing your request and respond as soon as we can. You will then have the right to appeal any denial of information after you receive a final response from us. Unless we hear otherwise from you, we will assume that you agree and will continue processing your FOIA requests on this basis.

The FOIA authorizes federal agencies to assess fees for record services. Based on the information provided, you have been placed in the "other" category of requesters. Requesters in this category are responsible for the cost of search time exceeding two hours (\$48.00/hour) and duplication fees (\$.15 per page) exceeding 100 pages. Additional information about fees can be found in the Department of Defense Fees section of the electronic Code of Federal Regulations (e-cfr) at <https://ecfr.io/title-32/se232.2.286.112>. In your request, you asked for a waiver of fees. Fee waivers or reductions are granted when there is a public interest in disclosure of information, which will contribute significantly to the public's understanding of the operations or activities of the NRO. After reviewing your request, and in the context of the NRO's mission and functions, we have determined that NRO records responsive to your request, if they exist, would meet this criterion. Your request for a waiver of all fees has been granted.

If you have any questions, please email FOIA@NRO.mil or call the Requester Service Center at 703-745-0600.

Sincerely,

National Reconnaissance Office
Information Review and Release Group